

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
-
ERIK PRINCE,
:
:
Plaintiff, : No. 21 Civ. 10075 (LAP)
:
-against- : ECF Case
:
:
THE INTERCEPT, et al., :
:
Defendants. :
:
:
----- X

DECLARATION OF JAY WARD BROWN

I, Jay Ward Brown, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner in the law firm of Ballard Spahr, LLP, counsel for the Defendants in the above-captioned matter, and admitted to practice in this Court. The facts stated below are true and within my own personal knowledge, and if called to testify, I would competently testify thereto. I submit this declaration in support of the defendants' motion to dismiss the Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of the news article at issue in this lawsuit, *Erik Prince Offered Lethal Services To Sanctioned Russian Mercenary Firm Wagner* ("the Article"), published on or about April 13, 2020, and which can also be found at The Intercept's website at <https://theintercept.com/2020/04/13/erik-prince-russia-mercenary-wagner-libya-mozambique/>.

3. Attached hereto as Exhibit 2 is a true and correct copy of the article, *How A Group Of Russian Guns For Hire Are Operating In The Shadows: Inside The Shadow War*

Fought By Russian Mercenaries, published on or about April 17, 2018 by BuzzFeed News, and included via hyperlink in the Article.

4. Attached hereto as Exhibit 3 is a true and correct copy of the article, *Russian toll in Syria battle was 300 killed and wounded: sources*, published on or about February 15, 2018 by Reuters, and included via hyperlink in the Article.

5. Attached hereto as Exhibit 4 is a true and correct copy of a print-out from a webpage of the U.S. Department of State, and included via hyperlink in the Article.

6. Attached hereto as Exhibit 5 is a true and correct copy of the article, *How A 4-Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria*, published on or about May 24, 2018 by The New York Times, and included via hyperlink in the Article.

7. Attached hereto as Exhibit 6 is a true and correct copy of a press release from a webpage of the U.S. Department of Treasury, and included via hyperlink in the Article.

8. Attached hereto as Exhibit 7 is a true and correct copy of Executive Order 13660, dated March 6, 2014 from Federal Register Volume 79, No. 46, and included via hyperlink in the Article.

9. Attached hereto as Exhibit 8 is a true and correct copy of the article, *The FBI Is Investigating Erik Prince For Trying To Weaponize Crop Dusters*, published on or about February 20, 2020 by The Intercept, and included via hyperlink in the Article.

10. Attached hereto as Exhibit 9 is a true and correct copy of the article, *Trump White House Weighing Plans For Private Spies To Counter “Deep State” Enemies*, published on or about December 4, 2017 by The Intercept, and included via hyperlink in the Article.

11. Attached hereto as Exhibit 10 is a true and correct copy of the article, *Putin-Linked Mercenaries Are Fighting On Libya's Front Lines*, published on or about September 25, 2019 by Bloomberg, and included via hyperlink in the Article.

12. Attached hereto as Exhibit 11 is a true and correct copy of the article, *Libyan officials cite evidence of Russian mercenaries in war*, published on or about December 5, 2019 by Al Jazeera, and included via hyperlink in the Article.

13. Attached hereto as Exhibit 12 is a true and correct copy of the article, *Mozambique calls on Russian firepower*, published on or about October 2, 2019 by The Sunday Times, and included via hyperlink in the Article.

14. Attached hereto as Exhibit 13 is a true and correct copy of the article, *In Push for Africa, Russia's Wagner Mercenaries Are 'Out of Their Depth' in Mozambique*, published on or about November 19, 2019 by The Moscow Times, and included via hyperlink in the Article.

15. Attached hereto as Exhibit 14 is a true and correct copy of the article, *Blackwater Founder Erik Prince Faces Multi-Agency Federal Investigation*, published on or about March 24, 2016 by The Intercept, and included via hyperlink in the Article.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Order of Dismissal, Dkt. 30, issued by the Honorable Judge Alan B. Johnson on January 15, 2021, in *Prince v. The Intercept, et al.*, 20-CV-84-ABJ (D. Wyo.).

17. Attached hereto as Exhibit 16 is a true and correct copy of a print-out from the Editorial Policies and Procedures webpage of The Intercept, which is also available at <https://theintercept.com/policies/>.

18. Attached hereto as Exhibit 17 is a true and correct copy of the U.S. Department of State press statement of Secretary Michael R. Pompeo, *The United States Imposes Sanctions on Russian Financier's Global Sanctions Evasion Network* (July 15, 2020).

19. Attached hereto as Exhibit 18 are copies of pages of the website of Frontier Services Group, the company founded by plaintiff and for which he until recently served as executive director and deputy chairman, which were true and correct copies as of the date they were printed, August 3, 2020. The website of Frontier Services Group is found at the URL <http://www.fsgroup.com>. Specifically, in addition to the main page, the following pages were printed and are included in this Exhibit:

- a. About FSG, <http://www.fsgroup.com/en/aboutfsg.html> (last visited 8/03/2020); and
- b. Our Team, <http://www.fsgroup.com/en/team.html> (last visited 8/03/2020).

20. Attached hereto as Exhibit 19 is a true and correct copy of the article *The Dark Truth about Blackwater*, published by the Brookings Institute on or about Oct. 2, 2007, <https://www.brookings.edu/articles/the-dark-truth-about-blackwater/>.

21. Attached hereto as Exhibit 20 is a true and correct copy of a webpage from National Public Radio hosting its special series, Security Firm Blackwater Under Scrutiny: Civilian Deaths Draw New Attention To The Role Of Blackwater And Other Security Contractors In Iraq, <https://www.npr.org/series/14709187/security-firm-blackwater-under-scrutiny>.

22. Attached hereto as Exhibit 21 is a true and correct copy of the article *A U.S. warrior goes to China: Did Erik Prince cross a line?*, published by The Washington Post on or

about May 4, 2019, <https://www.washingtonpost.com/news/world/wp/2018/05/04/feature/a-warrior-goes-to-china-did-erik-prince-cross-a-line/>.¹

23. Attached hereto as Exhibit 22 is a true and correct copy of the article *Blackwater founder Erik Prince's new company has reportedly set up shop in Iraq*, published by The Air Force Times on or about April 29, 2019, <https://www.airforcetimes.com/flashpoints/2019/04/29/blackwater-founder-erik-princes-new-company-has-reportedly-set-up-shop-in-iraq/>.

24. Attached hereto as Exhibit 23 is a true and correct copy of the article *Blackwater Mercenary Prince Has a New \$1 Trillion Chinese Boss*, published by Bloomberg on or about Feb. 9, 2019, <https://www.bloomberg.com/news/articles/2019-02-10/blackwater-mercenary-prince-has-a-new-1-trillion-chinese-boss>.

25. Attached hereto as Exhibit 24 is a true and correct copy of a print-out from the website Stars & Stripes, featuring the *Force for Hire* podcast “Episode 4: An interview with Erik Prince, Blackwater founder, proponent of contracting,” <https://www.stripes.com/podcasts/force-for-hire/episode-4-an-interview-with-erik-prince-blackwater-founder-proponent-of-contracting-1.575473>.

26. Attached hereto as Exhibit 25 is a true and correct copy of a webpage from National Public Radio featuring an interview with Erik Prince titled, “Blackwater Founder Backs Outsourcing Afghan War-Fighting to Contractors,” <https://www.npr.org/2017/07/24/538970956/blackwater-founder-backs-outsourcing-afghan-war-fighting-to-contractors>.

¹ The alternate title of this article, *Behind Erik Prince's China venture – The Blackwater founder has cut a lucrative security-training deal with Chinese insiders. But is it against U.S. interests?*, appears when viewed online.

27. Attached hereto as Exhibit 26 is a true and correct copy of a webpage from CBS featuring a CBS News interview with Erik Prince titled, “Blackwater Founder on Afghanistan,” https://www.cbs.com/shows/cbs_this_morning/video/NPsOQ3RYKeiL0dbcpz2CvDVAf_5pQ2AW/blackwater-founder-says-contractors-in-afghanistan-wouldn-t-be-mercenaries/.

28. Attached hereto as Exhibit 27 is a true and correct copy of the op-ed *The MacArthur Model for Afghanistan*, published by The Wall Street Journal on or about May 31, 2017, <https://www.wsj.com/articles/the-macarthur-model-for-afghanistan-1496269058>.

29. Attached hereto as Exhibit 28 is a true and correct copy of the op-ed *Contractors, Not Troops, Will Save Afghanistan*, published by The New York Times on or about August 30, 2017, <https://www.nytimes.com/2017/08/30/opinion/erik-prince-contractors-afghanistan.html>.

This Declaration was executed on the 11th day of February 2022, in New York, New York.

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct.

/s/ Jay Ward Brown
JAY WARD BROWN

Executed pursuant to 28 U.S.C. § 1746